

## **FAO Global Study on integrating port State measures into the broader framework of port State control**

**In the context of the Joint FAO/ILO/IMO *Ad Hoc* Working Group on IUU Fishing and  
Related Matters (JWG)**

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## List of Abbreviations and Acronyms

AREP	Advance Request for Entry into Port
C.188	2007 ILO Work in Fishing Convention C.188
COFI	FAO Committee on Fisheries
CTA	2012 IMO Cape Town Agreement
FAO	Food and Agriculture Organization of the United Nations
GIES	PSMA Global Information Exchange System
GR	FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record)
ILO	International Labour Organisation
IMO	International Maritime Organisation
IOMOU	Indian Ocean Memorandum of Understanding
IOTC	Indian Ocean Tuna Commission
IOTC PSMR 16/11	IOTC Port State Measures Resolution 16/11
IPOA-IUU	FAO International Plan of Action to Prevent, Deter and Eliminate IUU fishing
IUU fishing	Illegal, unreported and unregulated fishing
JWG	Joint FAO/ILO/IMO <i>Ad Hoc</i> Working Group on IUU Fishing and Related Matters
MCS	Monitoring, Control and Surveillance
MoU	Memorandum of Understanding
PSC	Port State control
PSMA	2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing (Port State Measures Agreement)
RFB	Regional Fishery Body
RFMO	Regional Fisheries Management Organization
STCW-F	1995 IMO Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel
UN	United Nations
UNCLOS	United Nations Convention on the Law of the Sea
UNFSA	United Nations Agreement on Straddling and Highly Migratory Fish Stocks or UN Fish Stocks Agreement

## Background

### IUU fishing and related matters

Illegal, unreported and unregulated (IUU) fishing has been identified as one of the main threats to the conservation and sustainable use of the world's fish stocks. The scientific community has repeatedly warned about the consequences of IUU fishing: inaccurate/incomplete information about the real dimension of the fishing activities and the underestimation of the catch and effort information as well as the projections necessary for stock assessment and for the formulation of appropriate management measures.

The international community has recognized the need to effectively prevent, deter, and eliminate IUU fishing because of the crucial role that marine living resources play for food security and nutrition, economic development, and as livelihoods for the fishing sector and coastal communities, particularly in developing countries and small island developing States.

Since the adoption of the FAO International Plan of Action to prevent, deter and eliminate IUU fishing (IPOA-IUU) in 2001, within the framework of the FAO Code of Conduct for Responsible Fisheries, the international community has been progressively making efforts to address IUU fishing in various international fisheries instruments. Despite its voluntary nature, many of the IPOA-IUU's provisions are consistent with legally binding instruments such as United Nations Convention on the Law of the Sea (UNCLOS)<sup>1</sup>, the UN Fish Stocks Agreement<sup>2</sup> and the FAO Compliance Agreement<sup>3</sup>.

The Agreement on Port State Measures to Prevent, Deter and Eliminate IUU Fishing (PSMA), the first legally binding international instrument to address IUU fishing, was approved by the FAO Conference at its Thirty-sixth Session (Rome, 18-23 November 2009) and entered into force on 5 June 2016. The PSMA can benefit from the simultaneous implementation of FAO voluntary guidelines developed in the framework of the FAO Code of Conduct for Responsible

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<sup>1</sup> The United Nations Convention on the Law of the Sea was adopted on 10 December 1982 in Montego Bay, Jamaica, and entered into force on 16 November 1994. An updated list of Parties can be consulted here:

[https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg\\_no=XXI-6&chapter=21&Temp=mtdsg3&clang=en](https://treaties.un.org/Pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=en)

<sup>2</sup> *The Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement)* entered into force on 11 December 2001. The UN Fish Stocks Agreement aims to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks within the framework of UNCLOS. The Agreement is available [here](#).

<sup>3</sup> *The Compliance Agreement* was approved by the FAO Conference at its 27th session in November 1993 and entered into force on 24 April 2003, after the twenty-fifth instrument of acceptance was deposited with the FAO Director-General. The status of *The Compliance Agreement* is available [here](#) and the Agreement itself is available [here](#).

Fisheries, such as the 2014 FAO Voluntary Guidelines for Flag State Performance<sup>4</sup>, the 2017 FAO Voluntary Guidelines for Catch Document Schemes<sup>5</sup> and the 2022 FAO Voluntary Guidelines for Transshipment<sup>6</sup>.

Regional Fisheries Management Organisations (RFMOs) play a central role in the fight against IUU fishing, as they adopt conservation and management measures, that are legally binding on their Members or Contracting Parties. Other Regional Fishery Bodies (RFBs) have also supported the implementation of international instruments and regional mechanisms to combat IUU fishing.

Within this framework of international instruments (voluntary and binding) and regional mechanisms, improvements in monitoring, control and surveillance (MCS) have been achieved over the years, including through the sharing of information and the use of innovative technologies to identify and track vessels engaged in IUU fishing and related activities in support of such fishing.

Moreover, cooperative initiatives and schemes among regional organisations with the aim to support sustainable fisheries and address IUU fishing have been established with positive outcomes. However, to date not all these efforts have revealed to be sufficient. An important number of fish stocks worldwide and the health of the marine environment remain negatively affected by IUU fishing.

It appears therefore that there is still a need for States to increase the level of commitment and compliance with applicable laws and regulations to fulfil their international obligations in their capacities as flag, port and coastal States, and to effectively implement market related measures to combat IUU fishing. At the same time, multilateral actions need to be further promoted and coordination among relevant States and fisheries bodies need to be improved to address the continued issue of IUU fishing.

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<sup>4</sup> The *Voluntary Guidelines for Flag State Performance* provide guidance to strengthen and monitor compliance by flag States with their international duties and obligations regarding the flagging and control of fishing vessels. The VG-FSP, adopted at the 31st session of COFI in 2014, are available [here](#).

<sup>5</sup> The FAO [Voluntary Guidelines for Catch Documentation Schemes \(VGCDS\)](#) is the first international policy document with comprehensive elaboration about CDS. The objective of the VGCDS is to provide assistance to States, regional fisheries management organisations, regional economic integration organizations and other intergovernmental organisations when developing and implementing new CDS, or harmonising or reviewing existing CDS. The VGCDS were officially adopted by the FAO Conference at its Fortieth Session in July 2017.

<sup>6</sup> The Voluntary Guidelines for Transshipment were endorsed at the thirty-fifth Session of COFI, in September 2022. The objective of the Voluntary Guidelines is to assist States, regional fisheries management organizations (RFMOs), and other intergovernmental organizations, when developing new transshipment regulations or revising existing ones.

The PSMA is a landmark instrument as the first legally binding international instrument to specifically target IUU fishing. Its objective is to prevent, deter and eliminate IUU fishing by preventing vessels engaged in IUU fishing and related activities in support of such fishing from using ports and landing their catches. In this way, the PSMA reduces the incentive of such vessels to continue to operate while it also blocks fishery products derived from IUU fishing from reaching national and international markets. The effective implementation of the PSMA ultimately contributes to the long-term conservation and sustainable use of living marine resources and marine ecosystems. The provisions of the PSMA apply to vessels engaged in fishing and fishing related activities (fishing vessels, refrigerated transport vessels and supply vessels) seeking entry into a designated port of a State which is different to their flag State.

Beyond the detrimental threats to the health of fish stocks and the marine environment, reality has shown that IUU fishing practices can be linked to other illegal activities that aim to maximize profits and reduce costs of fishing operations. Among these are sub-standard safety and unacceptable working conditions on board fishing vessels. In this regard, IUU fishing must be considered as a multidimensional problem to be addressed in a cooperative and coordinated way, involving, as needed, the different competent authorities in port States.

The International Maritime Organisation (IMO) and the International Labour Organisation (ILO) have also developed international legally binding instruments that provide support to the fight against IUU fishing. In this regard, the 2012 IMO Cape Town Agreement (not yet in force), outlines fishing vessel standards and includes other regulations designed to protect the safety of crews and observers, while the 2007 ILO Work in Fishing Convention (C.188), which entered into force in November 2017, aims at ensuring that the fishers have decent conditions of work on board fishing vessels.

As pointed out in a recent FAO publication, RFBs can play an important role in improving safety standards and decent work on board fishing vessels (FAO 2022), as many RFBs consider safety a priority and one in four has recommendations or measures to support safety standards on board fishing vessels.

To be able to fully integrate port State measures into the broader framework of port State control, the coordination of fisheries, maritime and labour administrations should not be only based on those three main international instruments. For instance, given that the PSMA does not apply only to fishing vessels, i.e. the vessels actually catching fish, but also to vessels used for, or equipped or intended to be used for fishing related activities such as refrigerated cargo vessels or supply vessels, other ILO and IMO instruments or schemes covering these vessels

must be considered as well when coordinating on vessels in port. Among these are, e.g. the ILO Maritime Labour Convention (MLC, 2016), and the ten regional port State control (PSC) regimes, comprising eight regional Memorandum of Understanding (MoUs), one Agreement on PSC and the United States Coast Guard.

### Joint FAO/ILO/IMO *ad hoc* Working Group (JWG)

In the last years, FAO, ILO and IMO have been deploying considerable efforts to address IUU fishing and related matters in the context of each organization's mandate: FAO on sustainable fisheries in general, ILO on working conditions in the fishing sector, and IMO on maritime safety and security, and the protection of the marine environment. The implementation of the respective instruments can benefit from an increased coordination and information sharing on inspection and control procedures. In this context, the Joint FAO/ILO/IMO *Ad Hoc* Working Group on IUU Fishing and Related Matters (JWG) was established with the objective of promoting global, regional and national cooperation on IUU fishing and related matters, in particular, among the various national authorities and other public actors involved.

Prompted by a call from the 23<sup>rd</sup> Session of the FAO Committee on Fisheries (COFI23) in 1999 for FAO to obtain assistance from IMO, in particular, with regard to general concerns about re-flagging and IUU fishing, the Joint FAO/IMO *ad hoc* Working Group was established in October 2000. Also, in 1999, the UN Commission on Sustainable Development highlighted the issue of flag and port State responsibilities and the need for FAO and IMO to cooperate on solving problems relating to IUU fishing. In 2019, ILO formally joined the JWG. The harmonized implementation of instruments of the three international organizations requires coordination, cooperation and information sharing among national administrations that are involved in the implementation of port State measures and port State control regimes.

So far, the JWG has held four sessions: in 2000, 2007, 2015 (FAO/IMO) and 2019 (FAO/IMO/ILO). In these sessions, progress has been achieved in terms of identification of elements for effective control, technical and administrative criteria for such inspections in relation to the respective competences, required qualifications for inspectors and harmonization of inspection procedures. Moreover, the last session recommended that FAO, ILO and IMO promoted and supported the development of ways to increase coordination and information sharing for inspection and control procedures at national level, including through technical assistance to developing countries, thereby increasing efficiency and effectively

supporting the implementation of the respective instruments, as well as the revision of the terms of reference of the group. Meanwhile, the terms of reference of the JWG have been revised and endorsed by the governing bodies of all three international organizations. In line with the above recommendations and with a view to further progress in the cooperative approach, a fifth meeting of the JWG is to be scheduled in 2023.

Following up from the JWG recommendations, the Indian Ocean Memorandum of Understanding (IOMOU) and the Indian Ocean Tuna Commission (IOTC) have started a collaboration on the regional level to raise awareness of national inspectors under the IOMOU port State control regime and the IOTC Port State Measures Resolution 16/11 with support of FAO, ILO and IMO. The objective of this collaboration is to strengthen the coordination and efficiency of port inspections and to support port States in fulfilling their obligations under all relevant international instruments.

## Study objective and approach

The 'FAO Global Study on integrating port State measures into the broader framework of port State control' aims at identifying mechanisms, procedures and tools ensuring that the FAO PSMA is implemented in a way, so that it can complement, where appropriate, and support the implementation of the IMO Cape Town Agreement and the ILO Work in Fishing Convention (C.188) , and vice versa.

While the objective of the PSMA is to prevent, deter and eliminate IUU fishing and ultimately to ensure the long-term conservation and sustainable use of marine living resources, the implementation of the Agreement should facilitate the achievement of other objectives, such as maritime safety and security, protection of the environment and decent work on board fishing vessels. To this end, and based on a step-by-step analysis of PSMA implementation, the study seeks to identify concrete approaches for how fisheries administrations can best coordinate with maritime and labour administrations during risk analysis, inspection and follow-up/taking action.

Based on the analysis, the study aims to provide conclusions as a base for future discussions for an improved dialogue between the different concerned actors including, *inter alia*, information-sharing and coordination so that high-risk vessels and their activities can be

identified, proven and stopped for the benefit of sustainable fisheries, health of the marine environment as well as safe and decent work on board fishing vessels.

This study will inform discussions at the next session of the JWG, on approaches to strengthen the coordinated implementation of the relevant international instruments of the three international organizations with a focus on port inspections.

## Methodology

One key element to achieve the study's objectives is the deeper knowledge and understanding of the range of information available on how the main provisions of the PSMA are implemented as well as the identification of the potential synergies with other relevant instruments.

The study's methodology builds on:

1. information provided by experts on the implementation of the three international instruments (PSMA, Cape Town Agreement, ILO Work in Fishing Convention (C.188)), during a dedicated and *in-person* informal expert meeting at the FAO Headquarters in Rome (22-24 February 2023); and
2. information gathered from national fisheries officials in *virtual* interviews with a focus on clarifying how to coordinate with other agencies for a coordinated implementation of the PSMA, the Cape Town Agreement and the ILO Work in Fishing Convention (C.188). To this end, a questionnaire (Annex 2) addressing the main elements of the PSMA was developed and its preliminary version was sent in advance to the interviewees.

During the 3-day informal expert meeting in FAO in Rome, from 22 to 24 February 2023, representatives from FAO, ILO and IMO, experts on regional regimes and national frameworks as well as on procedures for fisheries, safety and labour inspections discussed on how the implementation of the FAO PSMA can support the implementation of other agreements, foremost among them the Cape Town Agreement (once in force) and the ILO Work in Fishing Convention (C.188), by identifying possible synergies. To this end, the experts were invited to identify critical points where information sharing and cooperation is required to identify and inspect high-risk vessels and to take action against those that have been found to be engaged



in illegal activities. Moreover, during the first day of the meeting, the questionnaire for national fisheries officers was reviewed and refined by the experts prior to the interviews planned for the second day.

National fisheries officials were interviewed following a questionnaire based on the implementation of port State measures step-by-step. These steps strictly build on the Articles of the PSMA and select provisions that require information sharing and coordination with agencies other than fisheries to strengthen the implementation of the relevant IMO and ILO international instruments.

The questionnaire explored the current interagency cooperation situation in different countries and incited reflection of fisheries authorities on the mandates and information requirements of maritime and labour authorities. The questions were formulated to inspire the identification of possible ways to meet these needs during the implementation of PSMA.

Considering the importance of gathering experience and views from all over the world, FAO invited national fisheries officers from selected countries representing different world regions. The informal expert meeting included virtual interviews with national fisheries officers and experts in Asia-Pacific (Thailand and Indonesia), Africa (Senegal, Kenya and South Africa), Europe (France, Spain, Iceland), North America (United States of America), Latin America (Peru, Chile) and the Caribbean (Trinidad and Tobago).<sup>7</sup>

During the interviews, FAO collected information from the national fisheries officers and experts, based on their responses to the questionnaire, their views on the challenges related to coordination with other agencies and possible ways to tackle such challenges.

These consolidated findings fed into formulation of preliminary conclusions for this study on the benefits of fisheries, maritime and labour administrations coordinating on port inspections of fishing vessels. The preliminary conclusions have been discussed in a further virtual workshop with IMO, ILO and other experts and comments have been integrated into this final study.

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<sup>7</sup> At the time of the workshop, all the participating countries were Parties of the PSMA. Kenya, South Africa, Spain, Iceland, France and Peru had ratified the CTA. Only Thailand, Senegal, Kenya, South Africa and France had ratified C188. Spain ratified the C.188 on 28 February 2023.

## Results and Conclusions

The study explored the different types of mechanisms, procedures or tools for coordination in place or to be developed to support a broad range of inspection objectives, which go beyond sustainable fisheries and combatting IUU fishing, but also address maritime safety and security as well as decent conditions of work on board fishing vessels.

The outcomes of this study are based on the discussions in the informal expert meeting as well as the interviews with national fisheries officers and experts.

Inputs of experts on sustainable fisheries, maritime safety and security and decent work conditions on board fishing vessels that participated in the informal meeting have been integrated into the study. With their diverse backgrounds and experiences, the experts contributed to highlighting not only connections but also possible incongruencies among the international instruments of the three international organizations.

### General observations

The discussions in the informal expert meeting and the responses to the questionnaire led to some general observations that are important to understand the benefits, challenges and developments of integrating port State measures into the broader framework of port State control. This could be achieved through fisheries administrations effectively coordinating with maritime and labour administrations to ensure that the port State can fulfil its obligations in terms of sustainable fisheries, maritime safety and security, and decent work.

Firstly, conducting the study and especially conducting the interviews with national fisheries officers and experts was an awareness raising exercise in itself. While generally aware of the need of cooperation among agencies to implement port State measures, most of the interviewees agreed that the interview led them to identify an additional issue to be addressed concerning the integration of port State measures into the broader framework of port State control. This applied to countries of all world regions reflected in the study and to both developed and developing countries. In two cases, interviewees mentioned that this had led to the organization of meetings with maritime and labour administrations shortly after the informal expert meeting to advance on the coordination of the implementation of the relevant FAO, ILO and IMO instruments. Given this observation, participants also discussed whether

the questionnaire can provide a basis for activities to be carried out inter-sessionally within countries or as part of the work of the JWG.

Secondly, whether from national administrations, regional organizations or international organizations, all participants contributed to the informal expert meeting or the interviews with their specific background and mandate: on fisheries, maritime or labour. However, throughout the meeting, all participants developed a better understanding that it is not only about *administrations* coordinating the implementation of their ‘own’ international instrument with the implementation of the ‘other’ instruments – but that it is rather about the *port State* having to fulfil a range of obligations in a coordinated manner, and about the duty of all administrations to contribute to that - which again can only be achieved through effective coordination.

Thirdly, the purpose of the interviews was to discuss with national fisheries official mechanisms, procedures or tools for coordination with maritime and labour administrations that would ensure that the PSMA was implemented in a way that other obligations of the port State, such as on maritime safety and security and labour inspection were supported at the same time. This required an open discussion about what was already in place (and what was not) and about what should be in place. The aim of the interviews was therefore not to assess capacity of the countries. Therefore, country details from the interviews are not specified in the results of this study.

However, it became clear during the interviews that most countries still need to develop to effectively implement port State measures in line with the requirements of the provisions of the PSMA. Having to advance on the coordination with maritime and labour administrations when integrating port State measures into the broader framework of port State control means that these two processes have to be improved at the same time which is particularly challenging for fisheries administrations.

#### Detailed findings following the provisions of the PSMA

Following the structure of the PSMA, also reflected in the questionnaire, the coordination, information-sharing and cooperation of fisheries administrations with maritime and labour administrations should consider the following elements:

## Coordination at National Level

While coordination and cooperation on foreign fishing vessels in port existed in some of the countries interviewed and to a differing degree, coordination between fisheries and labour administrations was very limited or non-existent. Interestingly, this applied to countries from all world regions interviewed for the study, to developed countries and developing countries alike, with two notable exceptions in Latin America and Asia. The analysis of expert interviews shows, that formal coordination mechanisms are rare and most experts expressed a need for a formalized interagency mechanism to exchange information for a coordinated implementation of the relevant international instruments and to ensure compliance with laws and regulations on sustainable fisheries, maritime safety and security as well as decent work on board fishing vessels. The ILO Guidelines for port State control officers were repeatedly mentioned as a positive example of a tool to inform PSC officer about the main indicators of poor working conditions. ILO is also developing guidelines for the detection of indicators of forced labour in fishing. Most of the experts interviewed indicated that the use of these guidelines would benefit from being shared with fisheries inspectors to give them the ability to detect possible cases of non-compliance and alert their colleagues from the labour administration.

The interviews also highlighted two other points: It seems that it is easier to establish effective coordination among the different administrations when the number of designated ports is limited and the level of activity there is relatively low. Moreover, it clearly appears that the level of preparation of the States to implement the measures required by the three instruments in a coordinated manner does not depend on the level of development of the country but on the political will to put in place effective measures and a dynamic inter-agency cooperation.

### Conclusion

Formal coordination mechanisms among the different concerned administrations are generally limited or inexistent, despite some exceptions, especially with regard to coordination and cooperation between fisheries and maritime administrations. This insufficient coordination and cooperation can have its roots in a lack of information-sharing mechanisms as well as in an imbalance between inspection capacity and level of port activity. The key is to set up a formal mechanism that clarifies for all officials exactly what information to gather and analyse, what information to share and with whom and what

decisions and actions to take so that PSMA is effectively implemented in a manner that safety and labour conditions are ensured as well. There is a need for the development of clear procedures in this regard, so that e.g. fisheries inspectors know what information to formally share in the case poor safety or working conditions are observed on a fishing vessel. Port States could benefit from additional guidelines to put in place/implement horizontal coordination mechanisms to address risk vessels in relation to IUU fishing, substandard safety and labour conditions. The clear designation of setting of a single entry point of information on foreign flagged fishing vessels entering port can contribute to improved coordination among fisheries, maritime and labour administrations.

#### Designation of Ports

Generally, the interviews revealed that labour inspectors were rarely present in ports designated for foreign flagged vessels under the PSMA. Safety inspectors were present in some designated ports of the countries included in the study, and, as a general rule, they were also in charge of verifying working conditions as it relates to occupational safety and health. Availability of the different concerned inspection capacities does not seem to be considered when designating ports under the PSMA, but the discussions showed that there is not that need if a proper coordination and information exchange is established with maritime and labour, with formal procedures in place to warn competent authorities when a problem arises. A coordinated approach during the process of designating a port would provide a basis for setting up a system for effective and efficient cooperation on risk vessels to identify non-compliance with regard to sustainable fisheries, maritime safety and security and decent work on board fishing vessels through improved communication among the relevant administrations.

#### Conclusion

The consideration of the provision on the designation of ports under the PSMA can be considered as a good framework to address different inspection objectives in a coordinated approach to combat IUU fishing and ensure the safety, security, health and decent labour conditions under a same umbrella and could provide an opportunity to put in practice harmonised inspections, where preliminary observations recommend so. Ensuring capacity for safety and labour inspections in designated ports is an important step for a port State to

ensure that a port State meets its international obligations with regard to the different international instruments. However, it has been generally agreed among participants that ensuring formal communication and coordination mechanisms of fisheries authorities with other competent authorities is another effective way to cover all international requirements when there are indications of non-compliance related to safety, security or decent labour conditions are found by fisheries inspectors.

#### Advanced request for Entry into Port (AREP)

The relevant information that is provided with the AREP in line with the requirements of Annex A of the PSMA is generally requested 48 to 72 hours in advance in the countries integrated into the study, to allow for adequate time to conduct appropriate risk assessment and scrutiny before granting the authorisation.

Although the decision of authorising a vessel to enter port is often shared with other national administrations, including maritime and labour administrations, cooperation among agencies on risk assessment is mostly in-existent. A common risk assessment procedure among different administrations does not seem to be the way followed by the port States included in the study. In fact, it has been noted during the expert meeting that in some cases concepts or priorities of the different administrations can differ or be even in conflict, and in any case, every agency is following objectives under its own mandate. However, the national fisheries officials interviewed generally agreed that warning labour and maritime authorities about high-risk vessels identified from the fisheries risk assessment is particularly relevant as reality has shown that 'high-risk' vessels often show non-compliance in other fields as well, including safety standards and decent working conditions on board fishing vessels. Equally, it would also be valuable for fisheries authorities to be able to count on information of high-risk vessels identified by labour and maritime administrations during their risk assessment.

On the other hand, the final decision on authorization or denial of port entry should be a coordinated port State decision rather than the decision of an individual administration, considering and respecting the decision of every single agency.

### Conclusion

The Advance Request for Entry into Port (AREP) along with the information requirements of Annex A of the PSMA for vessels engaged in fishing and fishing related activities as well as the risk assessment exercise that follows the AREP offer a unique opportunity to share information on high-risk vessels among the different administrations potentially concerned. This sharing of information also provides valuable additional information to establish target vessels for inspection. However, currently there is limited information exchange on risk vessels during the time between receiving the AREP and taking the decision on authorization or denial of port entry. Establishing procedures for information exchange has been suggested by interviewees as the access to the results of independent risk assessment strengthens the capacity to detect high risk vessels and target limited resources for MCS and enforcement at these vessels.

It has also been concluded that a formal mechanism be set up to gather the decisions of agencies concerned, reconcile the potential conflicts in the priorities of these administrations operating under different mandates and provide a unique State response to the request of port entry, respecting every agency mandate.

### Conduct of Inspections

During the informal expert meeting and the interviews, participants discussed various ways how fisheries, maritime and labour administrations could support each other's inspection objectives while primarily focussing on the objective under their specific mandate, namely sustainable fisheries, maritime safety and security or decent work on board fishing vessels.

The three international organisations FAO, ILO and IMO have developed inspection protocols and guidelines to ensure that vessels comply with the requirements of international regulations and with the rules under their purview.

As it has been mentioned in preceding sections of this document, different levels of cooperation have been observed and this also applies to the conduct of inspection. Interviewed revealed that in most cases the cooperation on inspections was limited to inexistence, no matter the development status of the country. Only one country included in the study reported to implement joint inspections in a relatively coordinated manner. This means, that fisheries inspections are rarely coordinated with other competent agencies and almost never labour aspects are addressed.

Furthermore, in the discussions held during the expert meeting it was commonly accepted that intensive joint inspections can have perverse effects, notably fatigue, in the crew, with an inherent risk for security and safety.

Keeping that in mind, it was commonly agreed that the coordination on inspections does not necessarily have to mean joint inspections. Instead, the objective of coordination can also be achieved through fisheries inspections alone where fisheries inspectors have the ability to detect indicators of non-compliance in the areas of competence of other authorities and write a separate statement from their inspection report to warn the competent authority.

### Conclusion

While joint inspections can be implemented in certain countries, it does not necessarily mean the only or even best solution for fisheries administrations when coordinating with maritime and labour administrations on the conduct of inspections of foreign flagged vessels in port. In fact, implementing complex joint inspections procedures aiming at addressing a large fan of aspects related to fisheries, security and labour simultaneously can lead to undesired effects if not implemented well – even in the case of high inspection capacity. Instead, it appears advisable for many port States to adopt an approach of identifying indicators of non-compliance that could be easily verified by a single inspector which can then be followed up on with in depth inspections from another administrations.

The publication by the three organizations concerned in their respective fields, of guidelines for identifying indicators of violations or non-compliance appears to be one of the best options for reinforcing the vigilance of inspectors and initiating effective inter-agency cooperation around port inspections.

### Information exchange

During the interviews and expert discussions it became clear that, at national level, different administrations mostly use different information systems with little or no communication or compatibility amongst each other. This makes the exchange of information difficult among administrations and hinders coordination on topics of common interest as no joint databases or automated reporting mechanisms support the sharing of relevant information (e.g. after an



inspection of a foreign flagged vessel). At the international level, again different organisations have developed different information systems that are not linked to one another.

Information exchange is a central element for the effective implementation of the PSMA. In this context, FAO has established global information sharing tools such as the the Global Information Exchange System (GIES) as a main global tool to support the implementation of the PSMA as required by Article 16 of the Agreement. The parties to the PSMA have also agreed to use the FAO Global Record of Fishing Vessels, Refrigerated Transport Vessels and Supply Vessels (Global Record).

These global tools are also connected to and facilitates the exchange of information with certain systems at national and regional levels. In this regard, the GIES enables Parties to cooperate and exchange information on port denials, inspection results and port and flag States actions with relevant States, FAO, other international organizations and regional fisheries management organisations (RFMOs). The Global Record compiles certified flag State information on vessels involved in fishing operations providing a single access point for information with a view to enhance transparency and traceability.

ILO has a database about abandonment of seafarers that contains a regularly updated list of vessels that have been reported to the ILO as abandoned in various ports of the world by appropriate organizations.

GISIS (the Global Integrated Shipping Information System) is developed and maintained by IMO and the website aims to allow on-line access to information supplied to the IMO Secretariat by Maritime Administrations, in compliance with IMO's instruments.

During the informal expert meeting, it was pointed out by IMO that the FAL Convention also applied to fishing vessels. The FAL Convention<sup>8</sup> provides a unified, global approach and provides standards, recommended practices and rules for formalities, documentation and procedures for vessels arriving and staying in port and leaving port. Since 2019, the FAL Convention makes it mandatory to share the relevant data electronically and encourages the use of the so-called 'single window' concept, in which all agencies involved exchange data via a single point of contact.

In this context, also the role of regional fisheries bodies (RFBs) in promoting safety and decent work on fishing vessels should be highlighted. A recent FAO study (FAO 2022) showed that

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<sup>8</sup> <https://www.imo.org/en/OurWork/Facilitation/Pages/FALConvention-Default.aspx>

safety at sea was a priority for 51 percent of the RFBs integrated into the survey, while 35 percent regard safety as important but not a priority. Moreover 38 percent of the FRBs considered decent working conditions a priority and a further 30 percent important but not a priority. RFB Secretariats support safety in fisheries through trainings information materials and one in four has recommendations and measures in this regard. While, according to the study, knowledge of international safety instruments (ILO and IMO international instruments as well as safety codes and guidelines of FAO, ILO and IMO) was limited among RFB Secretariats, there is potential for integrating RFBs into information exchange mechanisms at the interface of sustainable fisheries, maritime safety and security and decent working conditions on board fishing vessels.

### Conclusion

Access to relevant and updated information for MCS and enforcement authorities is a cornerstone for the effective prevention, deterrence and elimination of IUU fishing. While some progress is being made on information exchange within the sectors, effective information exchange is missing among fisheries, maritime and labour administrations on high risk vessels with regard to IUU fishing, substandard safety conditions and poor working conditions on board fishing vessels. This applies to national and international levels.

Establishing and linking information systems on the national, regional and international levels can facilitate effective information-sharing and cooperation among fisheries, maritime and labour administrations. These linkages have to serve the purpose of providing useful information for the identification of IUU fishing and related activities as well as substandard safety issues and working conditions. To this end, the linkages can support either the sharing of specific information or lead to alerts/notifications based on integrated risk assessments.

In the particular context of IUU fishing, the GIES and the Global Record offer a wider scope for cooperation among different concerned bodies, including regional organisations and schemes.

The role of RFBs in supporting information exchange at the interface of sustainable fisheries, maritime safety and security and decent work on board fishing vessels can be further explored and developed.

## Training

The PSMA provides for a set of minimum standards that inspections shall respect. In particular, Annex E of the Agreement contains guidelines for the training of inspectors that, beyond the general fisheries related issues (verifying the legality of the catch), include the consideration of other relevant elements such as health, safety and security issues. Notwithstanding this, from the interviews undertaken it became clear that, no matter the development status of the country interviewed, fisheries inspectors are rarely properly trained on safety and labour issues<sup>9</sup>.

Most of the interviewed national fisheries officials considered that periodical training is a necessity and, at the same time, showed interest in having an extended training that can take on board a set of indicators on maritime and labour issues that could alert the relevant administrations in case of flagrant weaknesses or infringements.

Against this background, and with the aim of covering the main aspects of fisheries, safety and security and labour elements pertaining to the port State duties, training activities need to be planned under a comprehensive perspective. These should cover the different responsibilities of the authorities concerned and ensure that not only inspectors, but the whole of the administrative structure, including other officials of relevant administrations and decision makers, are aware of the range of obligations of the port State. Key concepts such as cooperation, capacity development and information-sharing should be highlighted during the training.

On the regional level, the cooperation of the Indian Ocean Memorandum of Understanding (IOMOU) and the Indian Ocean Tuna Commission (IOTC) focusses, among others, on the coordination of their activities to share information about various inspections under the relevant international instruments of FAO, ILO and IMO and supports capacity development initiatives in this regard with the view to provide specific trainings to their members relevant to support the implementation of the IOTC port State measures resolution (PSMR 16/11) and the IOMOU inspection regime.

### Conclusion

There is a need for training for fisheries inspectors on safety and labour issues, on the minimum requirements of IMO (Cape Town Agreement and Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F)) and ILO (Work in

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<sup>9</sup> Annex E of PSMA: “Guidelines for training of inspectors – Elements of a training programme for port State inspectors should include at least the following areas: [...] 2. Health, safety and security issues;”

Fishing Convention C.188) instruments, as well on procedures for coordination and cooperation in close to all countries, irrespective of world region or development status. Reciprocally, indicators of IUU fishing for port State control officers should be developed so that fisheries inspectors can be alerted in case of doubts that a vessel has been engaged in IUU fishing activities or activities in support of such fishing.

In line with the above, FAO is organising a training course on the Coordinated implementation of international instruments to be held in July 2023. This training course will be hosted by the World Maritime University (WMU) , which is located in Malmö, Sweden and will be addressed to participants from African countries. IMO and ILO will contribute to the work programme of the course.

Training could also be considered as part of the work plan of the JWG.

#### Port State actions

The follow-up from port inspections can differ for port State measures and for port State control inspections. In the case of port State measures, the port State has the obligation to take action after a vessel has been identified to have been engaged in IUU fishing or related activities in support of such fishing. Some of these measures, such as the denial of access to port services, may appear incompatible with the potential requirements of the port State control regime.

Indeed, when a PSC inspector discovers a non-conformity (deficiency), the Port State may impose either to carry out repairs (which will be checked either before departure or on arrival at the next port), or detention. These deficiencies can be related to ship safety or working conditions. The various PSC regimes set the framework and lay out the rules (list of serious deficiencies requiring detention, immediate correction, as well as targeting factors) but do not intervene in post-inspection measures, except for the circulation of inspection reports and the provision of information in their own database. In these circumstances, cooperation and coordination between the different administrations involved appears to be fundamental to avoid that a decision taken within the framework of one instrument comes into conflict with the objectives of the other two. This coordination must be exercised both in the decision-making phase and in the implementation of measures and prescriptions.

### Conclusion

After inspection, the active and immediate exchange of information between the different agencies or administrations could not be observed in any of the countries interviewed, although some countries stated that they can have access to the information upon request.

It is crucial that the decision taken by every authority is actively shared and respected. Mechanisms should be established to prevent that conflicts arise and to avoid that the implementation of one agreement is undermined when implementing another.

### Capacity development

Unlike the PSMA, neither the Cape Town Agreement nor the ILO Work in Fishing Convention (C.188) have provisions on the special requirements of developing States and small island developing States. The FAO Global PSMA Capacity Development Programme is based on Article 21 of the PSMA that speaks to the need to support these countries to effectively implement the Agreement for it to reach its ultimate objective. Moreover, several RFMOs have put in place *ad hoc* actions to support capacity development actions to fight against IUU fishing.

Under the FAO Global PSMA Capacity Development Programme, project activities such as interagency cooperation workshops, are already being implemented that focus on the coordination of fisheries, maritime and labour administrations cooperating to achieve a coordinated implementation of the PSMA, the Cape Town Agreement and the C.188. On the regional level, the cooperation of the IOMOU and the IOTC works on specific capacity development initiatives in the Indian Ocean region that aims at strengthening the implementation of the relevant international instruments of FAO, ILO and IMO in general as well as specifically the IOTC PSMR 16/11 and the IOMOU port State control regime.

### Conclusion

Though many countries, both developing and developed, still need to strengthen their capacity to effectively implement port State measures in line with the requirements of the PSMA, including on the conduct of inspections, capacity development programmes should envisage including elements other than fisheries among their major lines in order to promote awareness of the inspection objectives. This approach is already integrated into the FAO

Global PSMA Capacity Development Programme. Also, regional initiatives, such as cooperation between RFMOs and regional PSC regimes can play an important role to strengthen the coordinated implementation of port State measures and port State control inspections.

## Annexes

### Annex 1: List of relevant documents

- [United Nations Convention on the Law of the Sea \(UNCLOS\)](#)
- [UN Fish Stocks Agreement](#)
- [FAO Code of Conduct for Responsible Fisheries](#)
- [FAO Compliance Agreement](#)
- [Voluntary Guidelines for Flag State Performance](#)
- [Voluntary Guidelines for Catch Documentation Schemes](#)
- [International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing \(IPOA-IUU\)](#)
- [FAO Agreement on Port State Measures](#)
- [Cape Town Agreement to enhance fishing safety](#)
- [Work in Fishing Convention, 2007 \(No. 188\)](#)
- [IMO, 2012 Cape Town Agreement to enhance fishing safety \(10 reasons to ratify\)](#)
- [IMO, Draft Report of the Maritime Safety Committee on its 106th Session, Document MSC 106/WP.1/Rev.1, 16 November 2022](#)
- [IMO, “Key treaty for safety of fishers and fishing vessels yet to enter into force”, 11 October 2022](#)
- [IMO, Draft Report to the Maritime Safety Committee and the Marine Environment Protection Committee, Document III 8/WP.1/Rev.1, 3 August 2022](#)
- [IMO, “Act now for safe fishing, IMO Secretary-General urges States”, 27 April 2022](#)
- [IMO, Circular Letter No.4552 “Ratification of the Cape Town Agreement of 2012 – Communication from the Secretary-General”, 11 April 2022](#)
- [IMO, Assembly Resolution “Entry into force and Implementation of the 2012 Cape Town Agreement”, Document A 32/Res. 1161, 15 December 2021](#)
- [IMO, 2012 Cape Town Agreement \(Explained\), 2021](#)
- [ILO Guidelines for port State control officers carrying out inspections under the Work in Fishing Convention, 2007 \(No. 188\)](#)
- [ILO training package on inspection of labour conditions on board fishing vessels](#)
- [FAO. Report of Committee on Fisheries – COFI-2022-5 Combatting IUU fishing](#)
- [FAO. Report of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters](#)
- [FAO. 2015. Report of the Second Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated \(IUU\) Fishing and Related Matters](#)
- [FAO/IMO. 2016. Report of the Third Session of the Joint FAO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated \(IUU\) Fishing and Related Matters](#)
- [FAO. 2022. Regional Fisheries Bodies and their Role in Improving Safety and Decent Work on Fishing Vessels \(by Elda Belja, Raymon von Anroy, Daniela Kalikoski\)](#)
- [Joint FAO/ILO/IMO Ad Hoc Working Group on Illegal, Unreported and Unregulated Fishing and Related Matters 4th session](#)
- [Indian Ocean Memorandum of Understanding \(IOMOU\) on port State control \(PSC\)](#)

- [Icelandic Transport Authority, Cape Town Agreement Working Group: Guidance to assist competent authorities in the implementation of the Cape Town Agreement of 2012, Development of Implementation Guidelines, 27 June 2022](#)
- [The Pew Charitable Trusts, “FAQ: How the Cape Town Agreement Can Improve Commercial Fishing Safety”, 27 April 2022](#)
- [Video: The Pew Charitable Trusts, The Cape Town Agreement Explained, YouTube, 2020](#)
- [Video: The Pew Charitable Trusts, Safe Seas, YouTube, 2019](#)
- [The Pew Charitable Trusts, “The Cape Town Agreement Explained: How one international treaty could combat illegal fishing and save lives”, 5 October 2018](#)



## Annex 2: Preliminary questionnaire

Art. PSMA	PSMA	Relevance for CTA	Relevance for C.188	Question
<b>Application</b>				
3.1	<p>Each Party shall, in its capacity as a port State, apply this Agreement in respect of vessels (used for, equipped to be used for, or intended to be used for, fishing or fishing related activities, that includes “Reefer” cargo ships and some supply vessels) not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:</p> <p>(a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing; and</p> <p>(b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.</p>			<p>1. – As CTA and C.188 only apply to fishing vessels, what are the Port state mechanisms that cover fishing related vessels (reefers, supply) in terms of maritime safety &amp; security and decent working conditions?</p> <p>2. – Are there any coordination mechanisms PSMA and those instruments?</p> <p>3. - Are there any coordination mechanisms between those instruments and CTA and/or C.188 ?</p> <p>4. – If the answer to question 2 is “no”, do you think a coordination between those mechanisms and PSMA should be profitable?</p>
<b>Coordination at national level</b>				
5	<p>Each Party shall, to the greatest extent possible:</p> <p>(a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;</p> <p>(b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent,</p>	Regulation 6	Article 7	<p>1.- Is there any mechanism of formal coordination among fisheries, maritime and labour administrations established in your country?</p> <p>2.- Would you consider it necessary to establish an MoU or a cooperation agreement to support this cooperation?</p> <p>3.- Are there competent authorities for each of the objectives related to port inspections (ensuring sustainable fisheries, maritime safety and security/protection of the environment, decent working conditions on board fishing vessels)?</p>

	Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and (c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Agreement.			
<b>Designation of ports and competent authority</b>				
7	<p>1. Each Party shall designate and publicize the ports to which vessels may request entry pursuant to this Agreement. Each Party shall provide a list of its designated ports to FAO, which shall give it due publicity.</p> <p>2. Each Party shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 of this Article has sufficient capacity to conduct inspections pursuant to this Agreement.</p>			1.- Do designated ports for foreign flagged fishing vessels under the PSMA also have the capacity for maritime safety and labour control and inspection?
<b>Advance request for port entry</b>				
8	<p>1. Each Party shall require, as a minimum standard, the information requested in Annex A to be provided before granting entry to a vessel to its port.</p> <p>2. Each Party shall require the information referred to in paragraph 1 of this Article to be provided sufficiently in advance to allow adequate time for the port State to examine such information.</p>	Reg 6 (3)	Art 43	<p>1.- Is the request of entry in port received by all relevant competent authorities?</p> <p>2.- Is the AREP including all required information also available for maritime and labour authorities?</p> <p>3.- Could some of this information be relevant to maritime and labour RA?</p> <p>4.- Do you consider it beneficial to share this AREP information with them?</p> <p>5.- Is the procedure of entry into port coordinated among the relevant authorities in your country?</p> <p>6.- If it is not, could it be useful to coordinate it?</p>
<b>Risk assessment prior to arrival</b>				

9.1	1. After receiving the relevant information required pursuant to Article 8, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, each Party shall decide whether to authorize or deny the entry of the vessel into its port and shall communicate this decision to the vessel or to its representative.			1.- If additional information is gathered, that could be relevant to maritime and labour administrations, do you share this with them so that they can include it in their own RA?
9.3	In the case of denial of entry, each Party shall communicate its decision taken pursuant to paragraph 1 of this Article to the flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States, regional fisheries management organizations and other international organizations.			<p>1.- Do you think that maritime or labour administrations could have some information interesting to feed into your RA and inform your decision on authorization or denial of entry into port?</p> <p>2.- Is there any mechanism for maritime or labour administrations to inform fisheries of their own decision to inspect vessels or the result of their RA?3.- Do you communicate the denial of use of port to maritime and labour administrations?</p> <p>3.- Is there any relevant actor in the international maritime domain to whom the denial of entry into port should be communicated?</p>
9.5	Notwithstanding paragraphs 3 and 4 of this Article, a Party may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.			<p>1.- Do you communicate to maritime and labour your intention to grant entry into port to vessel for the purpose of inspection only when there is sufficient proof that this FV has been engaged in IUU fishing (or related activities)?</p> <p>2.- If the answer to question 1 is no, since IUU fishing is often related to other criminal activities, do you think a procedure to communicate this intention should be developed?</p>
10	Nothing in this Agreement affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering			<p>1.- Do you have any mechanism to inform maritime or labour administrations that a FV is allowed to enter into port for reasons of force majeure?</p> <p>2.- If the answer to question 1 is no, do you think a procedure for communication this information should be developed?</p>

	assistance to persons, ships or aircraft in danger or distress.			
<b>Inspection in port prior to use of ports</b>				
11.1-2	<p>1. Where a vessel has entered one of its ports, a Party shall deny, pursuant to its laws and regulations and consistent with international law, including this Agreement, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking, if:</p> <p>(a) the Party finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;</p> <p>(b) the Party finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by a coastal State in respect of areas under the national jurisdiction of that State;</p> <p>(c) the Party receives clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;</p> <p>(d) the flag State does not confirm within a reasonable period of time, on the request of the port State, that the fish on board was taken in accordance with applicable requirements of a relevant regional fisheries management organization taking into due account paragraphs 2 and 3 of Article 4; or</p> <p>(e) the Party has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing, including in support of a vessel referred to in</p>			<p>1.- Should a FV that has been inspected and found to have been engaged in IUU fishing or related activities be also inspected by maritime and labour administrations?</p>

	<p>paragraph 4 of Article 9, unless the vessel can establish:</p> <p>(i) that it was acting in a manner consistent with relevant conservation and management measures; or</p> <p>(ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel referred to in paragraph 4 of Article 9.</p> <p>2. Notwithstanding paragraph 1 of this Article, a Party shall not deny a vessel referred to in that paragraph the use of port services:</p> <p>(a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or</p> <p>(b) where appropriate, for the scrapping of the vessel.</p>			
11.3-5	<p>3. Where a Party has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and, as appropriate, relevant coastal States, regional fisheries management organizations and other relevant international organizations of its decision.</p> <p>4. A Party shall withdraw its denial of the use of its port pursuant to paragraph 1 of this Article in respect of a vessel only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.</p> <p>5. Where a Party has withdrawn its denial pursuant to paragraph 4 of this Article, it shall promptly notify those to whom a notification was issued pursuant to paragraph 3 of this Article.</p>			<p>1.- Do you communicate this decision to maritime and labour authorities?</p> <p>2.- Would it be useful to share this information with IMO and ILO or other regional organizations?</p>
<b>Routine inspections</b>				

12	Each Party shall inspect the number of vessels in its ports required to reach an annual level of inspections sufficient to achieve the objective of this Agreement.			1.- Could it be possible to consider any other priority requested by maritime or labour authorities to determine which vessel to inspect?
<b>Conduct of inspections</b>				
13	<p>1. Each Party shall ensure that its inspectors carry out the functions set forth in Annex B as a minimum standard.</p> <p>2. Each Party shall, in carrying out inspections in its ports:</p> <p>(a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose, having regard in particular to Article 17;</p> <p>(b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;</p> <p>(c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with relevant conservation and management measures;</p> <p>(d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;</p> <p>(e) in case of appropriate arrangements with the flag State of the vessel, invite that State to participate in the inspection;</p> <p>(f) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that</p>		Articles 41 and 42	<p>1.- Do the authorities of your country have trained and appointed a sufficient number of qualified fisheries inspectors?</p> <p>2.- have these fisheries inspectors received sufficient training to enable them to understand the minimum requirements of the CTA and C.188 and therefore to detect signs of possible deficiencies in the fields of application of these two instruments?</p>

	<p>would adversely affect the quality of the fish on board;</p> <p>(g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;</p> <p>(h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and</p> <p>(i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.</p>			
14	<p>Each Party shall, as a minimum standard, include the information set out in Annex C in the written report of the results of each inspection.</p>			<p>1.- Do you consider that the information contained in the inspection reports could be interesting for maritime and labour authorities?</p> <p>2.- Do you currently share this information with them?</p> <p>3.- Would it be possible to have a separate communication to maritime and labour administrations with observations related to their competence?</p>
<b>Information exchange</b>				
16	<p>Information sharing mechanism coordinated by FAO (GIES - GR).</p> <p>1. To facilitate implementation of this Agreement, each Party shall, where possible, establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements.</p> <p>2. To the extent possible and with due regard to appropriate confidentiality requirements, Parties should cooperate to establish an information-sharing mechanism, preferably coordinated by FAO, in conjunction with other relevant multilateral and</p>			<p>1.- Do you think it would be interesting to share inspection results with IMO and ILO?</p> <p>2.- Related to question 1, would you share all fisheries inspection reports or only those with possible non-compliance?</p> <p>3.- Do you consider it useful to give IMO and ILO access to the information exchanged through GIES?</p> <p>4.- Do you think there is any information related with the fishing trip that could be beneficial for our RA and could be uploaded in GR that could also be interesting for ILO or IMO?</p>

	<p>intergovernmental initiatives, and to facilitate the exchange of information with existing databases relevant to this Agreement.</p> <p>3. Each Party shall designate an authority that shall act as a contact point for the exchange of information under this Agreement. Each Party shall notify the pertinent designation to FAO.</p> <p>4. Each Party shall handle information to be transmitted through any mechanism established under paragraph 1 of this Article consistent with Annex D.</p> <p>5. FAO shall request relevant regional fisheries management organizations to provide information concerning the measures or decisions they have adopted and implemented which relate to this Agreement for their integration, to the extent possible and taking due account of the appropriate confidentiality requirements, into the information-sharing mechanism referred to in paragraph 2 of this Article.</p>			
<b>Training of inspectors</b>				
17	Each Party shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex E. Parties shall seek to cooperate in this regard.			<p>1.- Are your inspectors trained in health, safety and security issues as requested in Annex E?</p> <p>2.- Do you think it would be useful to train your fisheries inspector with the minimum requirements of CTA and C.188?</p>
<b>Port State actions following inspections</b>				
18	<p>1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting Party shall:</p> <p>(a) promptly notify the flag State and, as appropriate, relevant coastal States, regional</p>			<p>1.- Is the coordination sufficient in your country to ensure that denials from fisheries authorities are taken into consideration by other authorities?</p> <p>2.- Do you think it would be relevant to communicate this proof of IUU fishing activity to IMO and ILO?</p>



	<p>fisheries management organizations and other international organizations, and the State of which the vessel's master is a national of its findings; and (b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, inter alia, refuelling and resupplying, maintenance and drydocking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Agreement, including Article 4.</p> <p>2. Notwithstanding paragraph 1 of this Article, a Party shall not deny a vessel referred to in that paragraph the use of port services essential for the safety or health of the crew or the safety of the vessel.</p> <p>3. Nothing in this Agreement prevents a Party from taking measures that are in conformity with international law in addition to those specified in paragraphs 1 and 2 of this Article, including such measures as the flag State of the vessel has expressly requested or to which it has consented.</p>			<p>3.- Could any measure necessary to rectify any conditions on board which are clearly hazardous to safety or health be implemented with the current means?</p>
<b>Role of flag States</b>				
20.5	<p>Each Party shall, in its capacity as a flag State, report to other Parties, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Agreement, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.</p>	Reg 6(3)	Article 43	<p>1.- In case of any evidence of non-compliance, are you aware of mechanisms to inform the flag State authorities?</p>
<b>Requirements of developing States</b>				

21	<p>1. Parties shall give full recognition to the special requirements of developing States Parties in relation to the implementation of port State measures consistent with this Agreement. To this end, Parties shall, either directly or through FAO, other specialized agencies of the United Nations or other appropriate international organizations and bodies, including regional fisheries management organizations, provide assistance to developing States Parties in order to, inter alia:</p> <p>(a) enhance their ability, in particular the least-developed among them and small island developing States, to develop a legal basis and capacity for the implementation of effective port State measures;</p> <p>(b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and</p> <p>(c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.</p> <p>2. Parties shall give due regard to the special requirements of developing port States Parties, in particular the least-developed among them and small island developing States, to ensure that a disproportionate burden resulting from the implementation of this Agreement is not transferred directly or indirectly to them. In cases where the transfer of a disproportionate burden has been demonstrated, Parties shall cooperate to facilitate the implementation by the relevant developing States Parties of specific obligations under this Agreement.</p>			<p>1.- Are you aware of requirements and needs of developing countries to effectively implement measures ensuring safety standards and decent working conditions on board fishing vessels?</p>
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	<p>3. Parties shall, either directly or through FAO, assess the special requirements of developing States Parties concerning the implementation of this Agreement.</p> <p>4. Parties shall cooperate to establish appropriate funding mechanisms to assist developing States in the implementation of this Agreement. These mechanisms shall, inter alia, be directed specifically towards:</p> <p>(a) developing national and international port State measures.</p>			
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## Annex 3: Draft Agenda

### Wednesday, 22 February

09.30-10.00	<ul style="list-style-type: none"> <li>• Welcome</li> <li>• Introduction of participants</li> </ul>
10.00-11.00	<ul style="list-style-type: none"> <li>• Objectives of the Informal Expert Meeting</li> <li>• Context and background of the FAO Global Study, including relevant international instruments and processes</li> <li>• General objectives of the FAO Global Study</li> </ul>
<b>11:00-11.30</b>	<b>Coffee break</b>
11.30-12.15	<p>Approach and structure of the FAO Global Study including presentation of draft questionnaire</p> <ul style="list-style-type: none"> <li>• Risk assessment</li> <li>• Conduct of port inspections</li> <li>• Follow-up/taking action</li> <li>• Cross cutting: information-sharing</li> </ul>
12.15-13.00	Discussion
<b>13.00-14.00</b>	<b>Lunch</b>
14:00-15:30	<p>Complementing presentations</p> <ul style="list-style-type: none"> <li>• IMO</li> <li>• ILO</li> <li>• IOMOU-IOTC Project</li> <li>• Invited experts</li> </ul>
<b>15.30-15.45</b>	<b>Coffee break</b>
15.45-17.00	<ul style="list-style-type: none"> <li>• Discussion</li> <li>• Refining of methodology including questionnaire</li> </ul>

### Thursday, 23 February

<b>08.45 - 09.30</b>	<b>Breakfast</b>
09.30-11.00	Interviews with national officials based on questionnaire, focus on Asia-Pacific / Africa (Thailand, Indonesia, Senegal)
<b>11.00 - 11.30</b>	<b>Coffee break</b>
11.30-13.00	Interviews with national officials based on questionnaire, focus on Africa / Europe (France, Spain, Kenya)
<b>12.30 - 13.30</b>	<b>Lunch</b>
13:30-15:00	Interviews with national officials based on questionnaire, focus on Europe / North America (Iceland, United States)
<b>15.00 - 15.15</b>	<b>Coffee break</b>
15:15-17.30	Interviews with national officials based on questionnaire, focus on North America / Latin America and the Caribbean (Trinidad and Tobago, Peru, Chile)
17:30 – 18:00	Reflections on interviews

**Friday, 24 February**

09:00-11:00	Consolidation of results from interviews, working groups
<b>11.00-11:30</b>	<b>Coffee break</b>
11:30-13:00	Preliminary findings for the FAO Global Study
<b>13.00-14.00</b>	<b>Lunch break</b>
14.00- 15.00	Preliminary findings for the FAO Global Study
15.00-17.00	Discussion on recommendations and next steps

Annex 4: List of participants (for the whole duration of the meeting)

	<b>Name</b>	<b>Country / Organization</b>	<b>Position</b>	<b>Email</b>
1	Matthew Camilleri	FAO	NFIFP, Team Leader	<a href="mailto:Matthew.Camilleri@fao.org">Matthew.Camilleri@fao.org</a>
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